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IAP13 Rec'd PCT/PTO 16 JAN 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ACTING AS THE DESIGNATED/ELECTED OFFICE

In re: Patent application of John D. LAMBRIS

U.S. Appl. No. 10/528,496

I.A. Appl. No.: PCT/US03/29653

I.A. Filing Date: 22 September 2003 (22.09.2003)

Confirmation No.: 4405

For: COMPSTATIN ANALOGS WITH
IMPROVED ACTIVITY

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.181(a) REQUESTING
WITHDRAWAL OF HOLDING OF ABANDONMENT

A Notification of Abandonment (PCT/DO/EO/909) was mailed by the United States Patent and Trademark Office in its capacity as a Designated/Elected Office on November 24, 2006 in connection with the above-identified application. The Notification of Abandonment indicated that the application was abandoned for failure to respond to the Notification of Missing Requirements (Form PCT/DO/EO/922) mailed July 5, 2006, within the time period set therein. It is respectfully submitted that the Notification of Abandonment is in error and should be withdrawn, for the reasons set forth below.

The U.S. Patent and Trademark Office in its capacity as a Designated/Elected Office mailed a NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES (PCT/DO/EO/922) on July 5, 2006. A shortened statutory period for reply was set at two months after the date of mailing of the Notification, or by September 5, 2006.

Extensions of time are available under the provisions of 37 CFR 1.136(a), as set forth on the Notification. Thus, the final date on which a response may be filed in response to the Notification is February 5, 2007.

CERTIFICATE OF MAILING

Date of Deposit: January 12, 2007

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE, AND IS ADDRESSED TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature of person mailing page:
JANET E. REED, REG. NO. 36,252

Type or print name of person

In support of this petition, Applicants hereby submit the following documents:

1. copy of Notification of Abandonment;
2. copy of Applicant's Amendment and Response to NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES (PCT/DO/EO/922) submitted December 4, 2006 and accompanied by a Petition for three (3) month extension of time and the requisite fee, all mailed by U.S. Express Mail (copy of date-stamped Express Mail receipt enclosed); and
3. copy of return postcard from the U.S. Patent and Trademark Office for the documents listed above, date-stamped December 4, 2006.

It is respectfully submitted that no fee for this petition is due, because the application is not in fact abandoned (MPEP §711.03). However, the Commissioner is hereby authorized to charge any fees in connection with the petition to Deposit Account No. 50-0573.

Acknowledgment that this petition has been granted and that the application has been restored to pending status are respectfully requested.

Respectfully submitted,

BY 
JANET E. REED
Registration No. 36,252
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
TEL: (215) 988-3111
FAX: (215) 988-2757
Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

46483-0001(22978)
 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,496	John D Lambris	UPN-4470 / P2942
INTERNATIONAL APPLICATION NO.		PCT/US03/29653
I.A. FILING DATE		PRIORITY DATE
09/22/2003		09/20/2002
CONFIRMATION NO. 4405		
371 ABANDONMENT/TERMINATION LETTER		
 *OC000000021351777*		

Date Mailed: 11/24/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/909), mailed 07/05/2006 within the time period set therein.

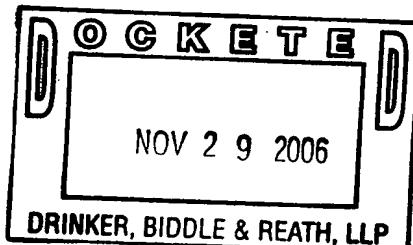
Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

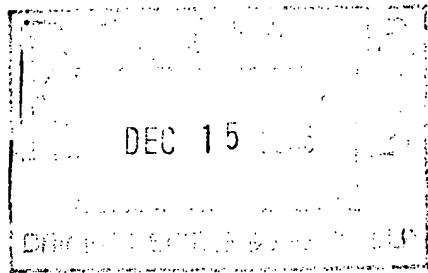
DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)





LAP13 Rec'd PCT/PTO 04 DEC 2006

Attorney Docket No. 46483-0001-00-US (P2942)

Re: Patent Application of John D. LAMBRIS

Appl. No.: 10/528,496 (I.A. PCT/US03/29653)

Filed: I.A. 22 Sept 2003 (22.09.2003)

For: COMPSTATIN ANALOGS WITH IMPROVED ACTIVITY

The U.S. Patent Office acknowledges and has stamped hereon the date of receipt of the attached paper(s):

- (1) Amendment/Response to Notification of Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures
- (2) copy of 371 Formalities Letter; (3) Written (on paper) Sequence Listing;
- (4) CRF (diskette) of Sequence Listing (5) Check for \$1020 EXT of Time (3 mos)

Certificate of Mailing § 1.10: December 4, 2006

EXPRESS LABEL NO.:

EV299884146US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ACTING AS THE DESIGNATED/ELECTED OFFICE

In re: Patent application of John D. LAMBRIS

U.S. Appl. No. 10/528,496

I.A. Appl. No.: PCT/US03/29653

I.A. Filing Date: 22 September 2003 (22.09.2003)

Confirmation No.: 4405

For: COMPSTATIN ANALOGS WITH
IMPROVED ACTIVITY

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO NOTIFICATION TO COMPLY WITH
REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

This Amendment and Response to the NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES mailed on July 5, 2006 is being filed within the third month after expiration of the shortened statutory period set in the Notification. A separate Petition for Extension of Time under 37 CFR §1.136(a) and appropriate fee, which resets the due date for response to December 5, 2006, accompany this response. Authorization is hereby provided to charge any additional fee associated with this response or to credit any over-payment to Deposit Account No. 50-0573..

In response to the Notification, the following are enclosed herewith:

- (1) copy of the aforesaid Notification;
- (2) diskette containing an initial computer readable form of the Sequence Listing; and
- (3) written (on paper) copy of the Sequence Listing.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10	
EXPRESS MAIL Mailing Label Number:	EV299884146US
Date of Deposit:	December 4, 2006
I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
Signature of person mailing page <u>Karen Spina</u>	
Type or print name of person KAREN M. SPINA	

Amendments to the Specification:

Please insert the enclosed Sequence Listing into the specification.

REMARKS

A Sequence Listing has been inserted into the application in written (on paper) form.
A computer readable form of the Sequence Listing is also enclosed herewith.

**STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 C.F.R. §§1.821-1.825**

I hereby state that the sequence listing information recorded in computer readable form submitted herewith is identical to the written (on paper) sequence listing submitted herewith. The submission includes no new matter.

Respectfully submitted,

JOHN D. LAMBRIS

BY 
JANET E. REED
Registration No. 36,252
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
TEL: (215) 988-3111
FAX: (215) 988-2757
Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 46483-0001-00-US (P2942) (formerly UPN-4470)
FY 2006 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		
Application Number	10/528,496 (I.A. PCT/US03/29653)	Filed I.A. 22 SEPTEMBER 2003
For COMPSTATIN ANALOGS WITH IMPROVED ACTIVITY		
Art Unit	n/a	Examiner n/a

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

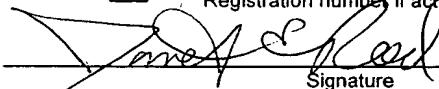
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ <u>1020</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

- Applicant claims small entity status. See 37 CFR 1.27.
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0573. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the applicant/inventor.

- assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- attorney or agent of record. Registration Number 36,252
- attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

JANET E. REED

Typed or printed name

December 4, 2006

Date

(215) 988-3338

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

CUSTOMER NO. 23973

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

P2942 US Listing_ST25.txt
SEQUENCE LISTING

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P2942 US Listing_ST25.txt

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Page 4

P2942 US Listing_ST25.txt

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Page 6

comprising Gly-Ile

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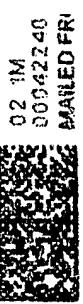
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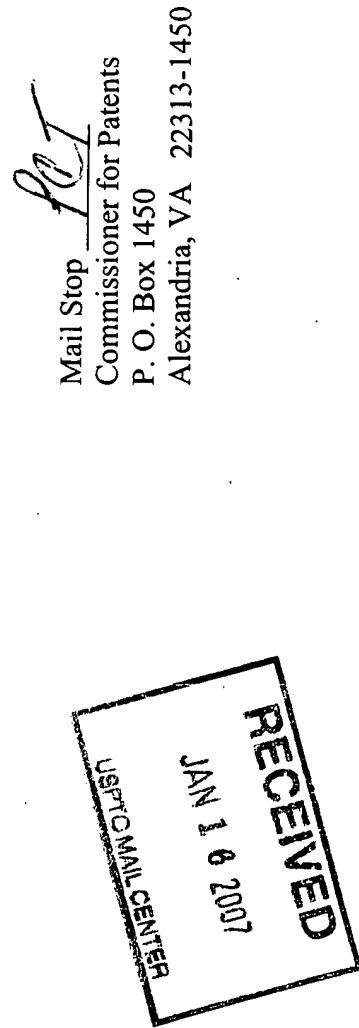
Applicant: Lambiris, John D.
File Ref.: 46406-0001-00-US (P2942)
Saved to Disk: 2006-11-29
Title: Comstatin Analogs with Improved Activity
Filing Date: 2005-03-18
Appl. No. 10/528,496
Operating Sys: Windows 5.01



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From

DrinkerBiddle&Reath
One Logan Square
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Philadelphia, PA 19103-6996



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